



Migrant Fishers: Slipping through the Net

A call on Labour Market Enforcement and a future Fair Work Agency to address labour exploitation in fishing

The majority of migrant fishers working for UK companies on UK flagged vessels are currently excluded from accessing some of the most basic protections available under UK employment law¹. This drives down employment standards in fishing and, combined with a lack of proactive monitoring and labour market enforcement, creates significant risks of exploitation and abuse. With an Employment Rights Bill going through parliament and plans for creating a new Fair Work Agency it is vital that the UK ensures it is proactively meeting its obligations to all workers in the UK fishing industry and that UK fishing is included within the remit of the Fair Work Agency.

Labour Market Non-Compliance

There is little or no proactive monitoring of compliance with National Minimum Wage, hours of work, sick or holiday pay, or automatic enrollment in pensions². With most migrant fishers living on vessels, boundaries around hours of work and time off are blurred with migrant fishers inevitably working beyond their contracted hours. There is a lack of clarity for workers on charging for accommodation and use of the accommodation offset (as per C188 accommodation for code 7 crew cannot be charged, whereas for skilled workers accommodation offsets exist for employers providing accommodation who can charge the crew). There are also significant questions around which tasks beyond fishing (such as net or boat maintenance shoreside, watchkeeping on board) count as 'work' and are included in the working hours and should be paid.

Lack of labour market monitoring, inspections or enforcement

Much of the existing enforcement in fishing appears to be Immigration Enforcement rather than enforcement of employment standards. Although aspects of C188 (work in fishing convention) which is meant to guarantee 'decent work' in fishing, are part of the Maritime and Coastguard Agency (MCA)'s remit there is currently no labour market enforcement agency with the remit and powers to enforce all labour rights in fishing. With many migrant fishers working and living on UK flagged vessels while on a Code 7 stamp, there is inevitable concern that interactions with immigration authorities will lead to immigration enforcement action rather than addressing exploitation or labour rights issues. This in turn contributes to a lack of reporting and a driving down of standards.

There is a need for proactive labour market enforcement in the sector to drive up standards, improve safety and reduce the risk of exploitation in a high risk sector. This must include the regulation of recruitment agencies providing crew to fishing vessels (a role which needs to be taken account of in the development of the Fair Work Agency), as they are not licenced by the GLAA and EASI does not currently audit or investigate these.

Reporting will only regularly take place if migrant fishers experience that this leads to an improvement in working conditions rather than immigration removal. A referral to the NRM (National Referral Mechanism for identification of victims of trafficking) is only relevant for fishers whose exploitation has reached the threshold of trafficking. It is not a labour market enforcement mechanism and in any case migrant fishers are unlikely to see a referral as being in their best interest due to delays in decision making and lack of permission to work leaving them in limbo as they wait for justice.

Indicative of this lack of monitoring is that there is no record of the number of fishers entering the UK or working on UK flagged vessels on Code 7 status. A Defra survey pilot which set out to survey fishers on working conditions was unable to reach migrant fishing crew. The 'invisible' nature of the migrant workforce is an indicator of the risk of exploitation.

Healthcare and accidents at sea

There is ongoing underreporting of non-fatal accidents. This appears to be exacerbated by the uncertainty around immigration status, as well as fears of Immigration Enforcement repercussions resulting from the ongoing use of the Code 7 stamp, and a reluctance of skippers and employers to highlight unsafe working conditions to the MCA or MAIB.

Injuries and deaths which are reported involve a high proportion of migrant fishers; the Marine Accident Investigation Branch (MAIB) of the Department for Transport has confirmed that there was 27 deaths or injuries on or from UK fishing vessels reported in 2023 and that over half (14) of these involved individuals who were not from the UK or whose nationality was unknown³. With estimates of 2000 migrant fishers and 11,000 British or EU fishers working in the UK, even without considering the non-reporting of accidents this is disproportionate⁴.

Recruitment

Migrant fishers using the Code 7 stamp usually enter the UK using a 'Seafarers book'. Their international recruitment is not licenced meaning there is little or no information about illegal recruitment fees, who is paying migration costs or the level of debt migrant fishers incur to work on UK flagged vessels. Arriving in debt creates a risk of exploitation with fishers more likely to accept poor conditions due to the need to repay what they have borrowed to work on UK fishing vessels, a vulnerability that exposes them to exploitation.

Immigration Status

The use of the Code 7 loophole exacerbates the issue⁵. Where migrant fishers enter the UK on a Skilled Worker visa there is far more clarity about their rights and entitlements under UK law. For example, workers have been able to leave abusive employers and, with assistance, find new work in fishing with a different employer willing to sponsor their visa. Where workers are on the Code 7 stamp fear of Immigration Enforcement action removing them from the UK before they have accessed employment redress, means that workers are unlikely to report abuse to or seek assistance from authorities. As mentioned above it also appears to lead to a lack of reporting of accidents other than fatalities. The insufficient monitoring or enforcing of labour or health and safety standards on fishing vessels means that standards in the sector are driven down and there is a lack of evidence or information to monitor pay and working conditions in what is currently a three-tier employment system.

Research studies have found that the Code 7 visa contributes to isolation and substandard living conditions since migrant fishers are required to live onboard the vessel; excessive working hours in violation of UK law and their Fisherman's Work Agreements; discriminatory pay practices in a three-tier system; and violations of contractual terms and conditions⁶.

Table 1: Three tier employment and payment for the same role: fishing vessel deckhand comparison⁷

UK/EU Share Fisher (self employed) deckhand	£40,000-£80,000 per year; no working hours defined
Skilled worker - non-EEA Deckhand	£30,960 (80% of 'going rate' as per SOL for fishing vessel deckhand) per year for a 37.5 hour week
Code 7 / non-EEA Transit worker - deckhand	£12,000-£15,600 (based on a 48 hour working week, £1,000- £1,300 per month)

Additionally, many migrant fishers report being subjected to discrimination, threats and verbal and physical abuse. Despite the lack of proactive labour market enforcement or monitoring and the barriers to migrant fishers reporting, it is clear that serious issues are ongoing. From May 2024 to June 2024, Dr. Sparks interviewed 20 Filipino fishers who had just returned to the Philippines from fishing in the UK. Many of the fishers discussed their working conditions onboard UK vessels. Issues highlighted to Dr Sparks by the fishers include:

- **Illegal recruitment practices:** Contracts are rarely issued in fishers' own language, even when issued by a Philippines manning agency, in violation of ILO C188. One fisher reported having their contract switched upon arrival in the UK, when the employer provided him with a new contract that switched him from a fixed salary to a share. As a result, the fisherman was paid less than his \$1,450 USD per month as expected. One of the fishers reported that he was removed from a vessel and repatriated before the end of his contract. Another fisher was forced to work on a different vessel that was not named in his contract, meaning he was working in violation of his Code 7 entry and thus illegally in the UK. All 20 fishers had paid recruitment fees in violation of Philippines law, which were predominantly exorbitant "documents" and "medical" fees. Three fishers had to pay a security deposit to their agency that was returned once they completed their contract. This security deposit meant that one of the fishers stayed and continued working on the UK flagged vessel even when he wanted to leave because the job was different and more dangerous than what he was told and consented to.
- **Excessive working hours:** All 20 fishers described working seven days a week due to requirements that they complete in port work on their alleged rest days or because the vessel used multiple skippers and thus could return to sea just a few hours after landing its catch by substituting in a new skipper. The average number of hours of work per day amongst the 20 fishers was 18 hours.
- **Abusive practices:** Fishers who worked on vessels using multiple skippers reported their working conditions being fluid. For example, one fisher who had worked in the UK for 10 years, stated that his employer had previously only used one skipper, but on his most recent contract, the employer started using two skippers to increase fishing time. As a result, his rest hours decreased as he was no longer allowed to rest on the days the skipper rested. Additionally, while the skipper he had a pre-existing relationship with continued to treat migrant crew with respect, the new skipper would "slap" and "kick" crew in addition to using racial slurs and verbally abusing and "humiliating" migrant crew. One night, the skipper intentionally burned the fisher, and the fisher showed the research team his scar from the incident. He was denied any treatment or even medications such as burn ointment to prevent infection. He reported that he would never return to work in UK fishing because the abuse was so severe.

While there is potential for confusion around the extent of UK labour market jurisdiction and which activities on fishing vessels count as work it is important this is not used as an excuse for UK enforcement authorities or a future Fair Work Agency to fail to regulate areas which are clearly within their jurisdiction. This includes work carried out within 12 nautical miles of the UK coast and on UK territorial seas for vessels of any flag. While migrant fishers are employed primarily to fish, labour enforcement authorities should recognise that other activities needed to enable this are carried out at the direction of the skipper and are also work.

Policy solutions

We wrote to the Home Secretary in November 2024, setting out these challenges and included ten vital requirements for reform:

- 1. Conduct a formal review of the use of the Seafarers Transit Stamp** (Code 7 leave) for recruiting migrant fishers from outside the European Economic Area (EEA) to work on UK flagged fishing vessels that are owned and operated by UK companies;
- 2. Collect and publish statistics on use of the Seafarers Transit Stamp** for UK fishing vessels fishing exclusively outside UK territorial waters.
- 3. Conduct a formal review of the skilled visa worker requirements**, and its inclusion on the Immigration Salary List, and its practical applicability to migrant fishers working on UK fishing vessels with attention given to English language and safety standards for migrant fishers in the UK.
- 4. Establish a cross departmental advisory group** to work with civil society to address the risks faced by migrant fishers.
- 5. Provide clear guidance and enforcement powers** regarding International Labour Organization (ILO) Conventions 188 (the Work in Fishing Convention) and 190 (the Violence and Harassment Convention) in the UK fishing sector.
- 6. Ensure all migrant fishers on the Seafarer Transit Stamp have the same rights and protections (including wages) as those on Skilled Worker visas.** This should apply universally, regardless of where vessels operate, as these workers live and work in UK ports on UK flagged fishing vessels.
- 7. Ensure labour market enforcement in UK fishing** and that the UK national minimum wage and working time directives are applied on all UK-flagged vessels, and ensure adequate powers, strategies and resources are in place.
- 8. Review the regulation and licensing of recruitment agencies** bringing migrant fishers workers into the UK
- 9. Ensure that the forthcoming Fair Work Agency is accessible to migrant fishers in practice**, and provided with robust enforcement powers which enable them to protect and support fishers. These reforms must be grounded in the principles of protected reporting, evidence-based resourcing, compliance with international standards at a minimum, safe reporting / grievance mechanisms, fair and efficient remediation, gender sensitivity, and meaningful worker participation.
- 10. Introduce a bridging visa such as Australia's 'Workplace Justice visa',** enabling migrant fishers who have been exploited to take claims against employers.

In conclusion, the signatories to this letter want to ensure that UK fishing is included within the remit of the Fair Work Agency. We also wish to share our expertise and engage with decision makers on the development of the Fair Work Agency's policy development for labour market enforcement of the UK fishing industry.

Sincerely,

Focus on Labour Exploitation (FLEX)

International Transport Workers' Federation (ITF) Fisheries Section

Nautilus International

The Seafarers' Charity

Dr Jess Sparks

1. A one way ticket to labour exploitation. How transit visa loopholes are being used to exploit migrant fishers on UK fishing vessels. ITF; Letting exploitation off the hook? Evidencing labour abuses in UK fishing. Dr Jessica Sparks, Nottingham University

2. The employment situation in UK fishing is complex and unequal - with a 3-tier system meaning there are currently multiple ways to be employed and paid for doing the same work, i.e a 'fish vessel deckhand'. The first is the traditional self-employed 'share fisher' model which applies to British and EU fishers with settled status (£50K and upwards self declaration). This is exempt from National Minimum Wage; the 2nd is a skilled worker visa (around £31K) which applies to migrant workers on vessels fishing within the UKTTW (usually out to 12 miles); and the 3rd applies to the majority of migrant workers using the code 7 stamp who are required to only transit through the UK to meet a named vessel and then work on vessels fishing outside UKTTW).

3. Freedom of information request made by ITF to MAIB FOI-00016129

4. <https://labourexploitation.org/publications/letter-to-the-home-office-exploitation-of-migrant-fishers-in-the-uk-fishing-industry/>

5. A one way ticket to labour exploitation. How transit visa loopholes are being used to exploit migrant fishers on UK fishing vessels. ITF

6. Letting exploitation off the hook? Evidencing labour abuses in UK fishing. Dr Jessica Sparks, Nottingham University; The illusion of social improvements: A case study of the role of Fishery Improvement Projects (FIPs) in fairwashing the UK Nephros fishery. Jessica Sparks, Natalie Somers, Chris Williams, Michael O'Brien, Bethany Jackson.

7. Share fisher figure comes from ITF estimate.

Skilled work visa figure comes from government figures (<https://www.gov.uk/skilled-worker-visa/your-job>)

Code 7 worker figures comes from Letting exploitation off the hook? Evidencing labour abuses in UK fishing. Dr Jessica Sparks, Nottingham University.

